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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,732	09/16/2005	Pamela Cosman	0321.68782	1790
24978 GREER, BURN	7590 04/22/201 IS & CRAIN	EXAMINER		
300 S WACKE		PRINCE, JESSICA MARIE		
25TH FLOOR CHICAGO, IL 60606			ART UNIT	PAPER NUMBER
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			04/22/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/541,732	COSMAN ET AL.		
Examiner	A 1 1 : A		
Examine	Art Unit		

1. ☐ The reply was filled after a final rejection, but prior to or on the same day as filling a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or or veidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal Re) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following an imperiods: a) ☐ The period for reply expires 2 months from the mailing date of the final rejection. b) ☐ The period for reply expires 2 months from the mailing date of the final rejection. Examiner Note: (1 box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRNIA. REJECTION. See METE 700 27(i). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension and the care of the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.136(a) activated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) about, if checked. Any reply received by the Office leafter than three months after the mailing date of the final rejection, even if timely flee alter than three months after the mailing date of the final rejection, even if timely flee date from the propriate extension and the corresponding amount of the fee. The appropriate extension after set from the mailing date of the final rejection, even if timely flee dates are noticed and propriate actions of care and the final rejection and or search (see NOTE below); (2) ☐ The Proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ The proposed amendment(s) fil	The MAILING DATE of this communication appears on the cover sheet with the correspondence address
this application, applicant must timely file one of the following replies; (1) an amendment, affidavir, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal set) in compliance with 37 CFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires 3 months from the mailing date of the final rejection. b) The period for reply expires 0.11 the mailing date of the final rejection. compliance with 37 CFR 1.134 (2) and 48 cert forth in the final rejection, whichever is later. It is no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: (1b to 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fea wave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fea wave been filed in the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fea wave been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed any reduce any examend patent term adjustment. See 37 CFR 1.704(b). OTTICE OF APPEAL 2.2 The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal as filed on A brief in compliance with 37 CFR 41.37(a), for any extension thereof (37 CFR 41.37(a), box avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be file	THE REPLY FILED 19 April 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. If no revent, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFED 706 07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Orlice action; or (2) as esteroit in (b) above; if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely delivate reply in the final originally set in the final Orlice action; or (2) as esteroit in (b) above; if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely delivative any earned patent term adjustment. See 37 CFR 1.704(b). SOTICE OF APPEAL. □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS Solve The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise the issues of new matter (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal, and/or contraction	places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3 a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: It fox 1 is checked, check either box (a) or (b) ONLY-OHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708 07(f). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely reduced any earned patent term adjustment. See 37 CFR 1.704(b). MOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance within the time period set forth in 37 CFR 41.37(a). MENDMENTS MENDMENTS MENDMENTS MENDMENTS A proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the issue of new matter (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They raise not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without cancelling a c	a) The period for reply expires <u>3 months from the mailing date of the final rejection.</u>
TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee made 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as the forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed any reduce any same patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). **MENDMENTS** **MENDM	no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
nave been flied is the date for purposes of determining the period of extension and the corresponding mount of the fee. The appropriate extension fee moder 37 CFR 1.7(a) is calculated from: (f) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as ter forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issue of new matter (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: Applicants amendment to the independent claim 1 and claim 15 requires further searching and consideration. (See 37 CFR 1.116 and 41.33(a)). 1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	
2. ☐ The Notice of Appeal was filed on	under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely file may reduce any earned patent term adjustment. See 37 CFR 1.704(b).
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: Applicants amendment to the independent claim 1 and claim 15 requires futher searching and consideration. (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s):	
(a)	filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since
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(c)	(a) They raise new issues that would require further consideration and/or search (see NOTE below);
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(See 37 CFR 1.116 and 41.33(a)). 1.	(d) 🔲 They present additional claims without canceling a corresponding number of finally rejected claims.
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D. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary ar
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13 I I ()fner'	12. Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s)

Supervisory Patent Examiner, Art Unit 2485

/Jayanti K. Patel/

/JESSICA PRINCE/

Examiner, Art Unit 2485